



1FW

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/643,640	
	Filing Date	August 18, 2003	
	First Named Inventor	Beth Anne ALLISON	
	Art Unit	Not Yet Assigned	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	8	Attorney Docket Number	273012011501

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement, 3 pages <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449, four pages Return Postcard
Remarks CUSTOMER NO. 25225		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Karen Zachow - 46,332
Signature	
Date	June 9, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 9, 2004


Signature: (Rhea Amid)



PATENT
Docket No. 273012011501

CERTIFICATE OF MAILING BY "FIRST CLASS"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 9, 2004.


Rhea Amid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Beth Anne ALLISON et al.

Serial No.: 10/643,640

Filing Date: August 18, 2003

For: USE OF PDT TO INHIBIT INTIMAL
HYPERPLASIA

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related applications Serial No. 09/716,022 filed 17 November 2000, and issued 19 August 2003 as U.S. Patent No. 6,609,014; and Serial No. 09/169,233 filed 9 October 1998 and issued 2 April 2002 as U.S. Patent No. 6,364,907; accordingly, copies are not included

herewith. This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of ___ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

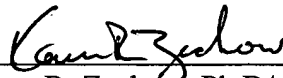
Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

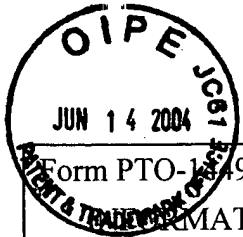
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does

not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 273012011501. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: June 9, 2004 Respectfully submitted,

By: 
Karen R. Zachow, Ph.D/
Reg. No. 46,332
Morrison & Foerster LLP
3811 Valley Centre Drive, Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5191
Facsimile: (858) 720-5125



Form PTO-1549

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 273012011501

Application Number 10/643,640

Applicant

Beth Anne ALLISON et al.

Filing Date August 18, 2003

Group Art Unit Not Yet Assigned

Mailing Date June 9, 2004

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	10/13/81	4,294,824	Jones			
	2.	09/29/87	4,696,286	Cochrum			
	3.	08/07/90	4,946,438	Reemtsma			
	4.	02/26/91	4,996,193	Hewitt			
	5.	05/14/91	5,015,584	Brysk			
	6.	08/04/92	5,135,915	Czarniecki			
	7.	12/15/92	5,171,749	Levy et al.			
	8.	03/09/93	5,192,312	Orton			
	9.	04/06/93	5,200,400	Teramoto et al.			
	10.	07/13/93	5,227,298	Weber			
	11.	03/29/94	5,298,018	Narciso, Jr.			
	12.	06/06/95	5,422,362	Vincent et al.			
	13.	11/10/98	5,834,503	Kelly et al.			
	14.	03/09/99	5,880,145	Sternberg et al.			
	15.	07/27/99	5,929,105	Sternberg et al.			
	16.	05/22/01	6,235,767	Kelly et al.			
	17.	04/02/02	6,366,719	Heath et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	18.	04/07/99	EP 906758	EPO				
	19.	07/18/96	WO 96/21466	WIPO				
	20.	07/25/96	WO 96/22090	WIPO				
	21.	04/03/97	WO 97/11653	WIPO				
	22.	11/26/98	WO 98/52608	WIPO				

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 273012011501	Application Number 10/643,640
	Applicant Beth Anne ALLISON et al.	
	Filing Date August 18, 2003	Group Art Unit Not Yet Assigned
	Mailing Date June <u>9</u> , 2004	

	23.	06/11/98	WO 98/24476	WIPO				
	24.	04/20/00	WO 00/21562	WIPO				
	25.	04/12/01	WO 01/24825	WIPO				

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	26.	Aberer, (1981) <i>J Invest Dermatol</i> 76:202.
	27.	Adili et al. (1998) <i>Lasers In Surgery and Medicine</i> 23(5):263-73.
	28.	Adili et al. (1999) <i>Photochemistry and Photobiology</i> 70(4):663-8.
	29.	Borlongan (1996) <i>Neurological Res</i> 18:297-304.
	30.	Bowen (1979) <i>Lancet</i> 2:585-86.
	31.	Burbridge et al. (1976) <i>Trans Am Soc Artif Intern Organs</i> 22:377-81.
	32.	Byrne et al. (1994) <i>Jama</i> , 271:34-6.
	33.	Canti, (1981) <i>Photochem Photobiol</i> 34:589.
	34.	Dartsch et al. (1990) <i>J Am Coll Cardiol</i> 15:1545-50.
	35.	Deacon (1997) <i>Nature Medicine</i> 3:350.
	36.	Dilley et al. (1988) <i>Arch Surg</i> , 123:691-6.
	37.	Dinsmore (1996) <i>Transplantation Proceedings</i> 28:817-818.
	38.	Diskin et al. (1993) "Pharmacological intervention to prevent intimal hyperplasia" <i>In Vascular Access For Hemodialysis, Vol. III</i> . WL Gore and Associates, Inc. and Precept Press, Inc., pp. 41-73.
	39.	Dougherty (1987) <i>Photochem Photobiol</i> 45:879-89.
	40.	Duan (1996) <i>Brain Res</i> 712:119-212.
	41.	Elmets (1986) <i>Cancer Res</i> 46:1608.
	42.	Excerpts from the United States Renal Data System Annual Report (1998) <i>American J. Kidney Dis.</i> , 32:S9-S141.
	43.	Faustman (1981) <i>Proc Natl Acad Sci USA</i> 78:5156.
	44.	Fishman (1986) <i>Neurology</i> 36:389-391.
	45.	Gibson (1994) <i>Brit J Cancer</i> 69:473-481 (Abstract).
	46.	Gruner (1985) <i>Scand J. Immunol</i> 21:267.
	47.	Hanau (1985) <i>J Invest Dermatol</i> 85:135.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 273012011501	Application Number 10/643,640
	Applicant Beth Anne ALLISON et al.	
	Filing Date August 18, 2003	Group Art Unit Not Yet Assigned
	Mailing Date June 9, 2004	

48.	Hill (1986) <i>Am J Otolaryngol</i> 7:17-27 (Abstract).
49.	Honey (1991) <i>Exp Brain Res</i> 85:149-152.
50.	Honey (1991) <i>Neuro Report</i> 1:247-249.
51.	Hsiang et al. (1995) <i>Cardiovascular Surgery</i> 3(5):489-94.
52.	Humphries (1989) "Alternative plans for vascular access for hemodialysis" <i>In Vascular Access for Hemodialysis Vol. I.</i> WL Gore and Associates, Inc. and Pluribus Press, Inc.
53.	Hunt et al. (1999) <i>Immunopharmacology</i> 41:31-44.
54.	Hurt et al. (1983) <i>Am J Surg</i> , 146:844-7.
55.	Kaplan et al. (1989) "An analysis of early (two week) failure of vascular access" <i>In Vascular Access for Hemodialysis, Vol. III.</i> WL Gore and Associates, Inc. and Pluribus Press, Inc., pp. 114-123.
56.	Krutmann (1989) <i>J Biol Chem</i> 264:11407.
57.	Lafferty (1975) <i>Science</i> 188:259.
58.	Lafferty (1976) <i>Transplantation</i> 22:138-149.
59.	LaMuraglia et al. (1994) <i>J Vasc Surg</i> , 19:321-9; discussion 329-31.
60.	LaMuraglia et al. (1995) <i>J Vasc Surg</i> , 21:882-90; discussion 889-90.
61.	Lau (1984) <i>Science</i> 223:607.
62.	Leapman et al. (1993) "Salvage surgery for arteriovenous conduits: does it make sense?" <i>In Vascular Access for Hemodialysis -III.</i> WL Gore and Associates, Inc. and Precept Press.
63.	Leapman et al. (1996) <i>Am Surg</i> , 62:652-6; discussion 656-7.
64.	Luke (1998) <i>N Engl J Med</i> 339:841-3.
65.	Makino (1986) <i>J Pediatric Surg</i> 21:240-243 (Abstract).
66.	Mansfield et al. (2000) <i>Clinical Science</i> 99(2):P3.
67.	Nelson (1988) <i>JNCI</i> 80:56-60 (Abstract).
68.	Obochi et al. (1997) <i>Photochemistry and Photobiology</i> 65:18S-19S.
69.	Obochi et al. (1997) <i>Dissertation Abstracts International</i> 58(6):1-2.
70.	Obochi et al. (1997) <i>Transplantation</i> 63(6):810-817.
71.	Obochi (1997) <i>Transplantation</i> 63:810-817.
72.	Okura (1997) <i>J Neurosci Res</i> 48:385-396.
73.	Ortu et al. (1992) <i>Circulation</i> 85:1189-96.
74.	Pakzaban (1994) <i>Neuroscience</i> 62:989-1001.
75.	Pakzaban (1996) <i>Neuroscience</i> 65:983-996.

EXAMINER:	DATE CONSIDERED:
-----------	------------------

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 273012011501	Application Number 10/643,640
	Applicant Beth Anne ALLISON et al.	
	Filing Date August 18, 2003	Group Art Unit Not Yet Assigned
	Mailing Date June <u>9</u> , 2004	

76.	Peng et al. (1990) <i>Int J Cancer</i> 46:719-716.
77.	Pepino (1989) <i>Eur Surg Res</i> 21:105-113.
78.	Pond, "Nutrition and the cardiovascular system of swine" <i>In Swine in Cardiovascular Research, Vol. II</i> . CRC Press: Boca Raton Florida.
79.	Qin (1993) <i>Transplantation</i> 56:1481-1486.
80.	Redmond et al. (1999) <i>Photochemistry and Photobiology</i> , 70(4):391-475.
81.	Ryba, (1995) <i>Acta Neurologiae Experimentalis</i> 55:259-270.
82.	Sakai (1991) <i>Brain Res</i> 565:167-170.
83.	Shizuru (1986) <i>Transplantation</i> 42:660.
84.	Simkin (1995) <i>SPIE</i> 2392:23.
85.	Simon (1991) <i>J Immunol</i> 146:485.
86.	Sindermann and March (1998) <i>Circulation</i> 97:2486-90.
87.	Sloan (1991) <i>Neuroscience</i> 14:341-346.
88.	Sobeh et al. (1995) <i>Eur J Vasc Endovasc Surg</i> , 9:463-8.
89.	Statius van Eps et al. (1997) <i>Lab Inves</i> , 76:257-66.
90.	Tang (1991) <i>J Immunol</i> 146:3347.
91.	Tang (1992) <i>J Invest Dermatol</i> 99:83.
92.	Tellis et al. (1969) <i>Trans Am Soc Artif Intern Organs</i> 15:293-7.
93.	Tellis et al. (1979) <i>Ann Surg</i> , 189:101-5.
94.	<i>The Economist</i> (March 22, 1997):99-101.
95.	Westerband et al. (1998) <i>Circulation</i> 98:II325-9; discussion II329-30.
96.	White (1988) <i>Brit J Cancer</i> 57:455-458 (Abstract).
97.	Wood (1996) <i>Neuroscience</i> 70:755-789.
98.	Zhou (1993) <i>Brain Res</i> 621:155-160.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.